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17236 U.S. PTO
012304

EV301025695US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. B-5017DIV 621541-7

Anticipated Classification
of this application

Class _____ Subclass _____

Prior application: 10/395,991

Examiner: Edgardo Ortiz

Art Unit: 2815

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CONTINUATION OR DIVISIONAL FILING UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a

☐ Continuation ☒ Divisional

application under 37 C.F.R. § 1.53(b), of pending prior U.S.

Application Serial No. 10/395,991 filed on March 24, 2003, of (1)

Ying-Cheng CHUANG (2) Chung-Lin HUANG and (3) Chi-Hui LIN for

"FLOATING GATE AND FABRICATING METHOD THEREOF".

1. Prior Application

☒ I hereby verify that the attached papers are a true copy of what is shown in my records to be the above-identified prior application (USSN 10/395,991), including 8 pages of specification, 4 pages of claims, 1 page of abstract, the oath or declaration (4 pages), and 4 sheets of drawings (Figs. 1A-1C, and 2A-2H) as originally filed. The attached true copy constitutes the above-identified divisional application (please also see 8 for drawing requirements.)

NOTE: Under 37 C.F.R. § 1.53(b) practice, signing and execution of the application by the applicant may be omitted provided the application is a continuation or divisional which adds neither new matter nor new inventors to the parent application, and a copy of the original declaration or oath from the parent application is supplied with the new application - 37 C.F.R. § 1.63(d)(1)

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this paper and the documents referred to as attached therein are being deposited with the United States Postal Service on this date January 23, 2004 in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Mailing Label Number EV301025695US addressed to the

"Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450"

Avelyne Malonzo

Avelyne Malonzo (Type or print name of person mailing paper)
(Signature of person mailing paper)

NOTE: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing - 37 C.F.R. § 1.10(b).

031356 U.S. PTO
10/764037

012304

2. Amendments

☐ Cancel in this application original claims ___ of the prior application before calculating the filing fee.

☒ A preliminary amendment is enclosed.

NOTE: Only amendments reducing the number of claims will be entered before calculating the final fee.

3. Fee Calculation

CLAIMS FOR FEE CALCULATION

Number Filed	Number Extra	Rate	Basic Fee
			\$770.00
Total			
Claims 8 -20=	0 x	\$ 18.00	0
Independent			
Claims 2 -3=	0 x	\$ 86.00	0
Multiple dependent			
Claim(s), if any	0 x	\$ 290.00	0

☐ The fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims canceled by amendments, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 C.F.R. § 1.16(d).

Filing fee calculation \$ 770.00

4. Small Entity Status

☐ a verified statement that this is a filing by a small entity is attached.

☐ a verified statement has previously been filed in the parent application (37 C.F.R. § 1.28 (a)).

Filing fee calculation (50% of above) \$ ____

NOTE: If a verified statement is filed within two (2) months of the date of payment of the first fee then the excess fee paid will be refunded on request. Notice of January 20, 1983. 1027 TMOG 114.

5. Fee Payment Being Made At This Time

Not enclosed

☐ no filing fee is submitted. This and the surcharge required by 37 C.F.R. § 1.16(e) can be paid subsequently.

Enclosed

☒ filing fee \$ 770.00

6. Method of Payment of Fees

☒ enclosed is a check in the amount of \$ 770.00

☐ charge account number 12-0415 in the amount of \$

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid - 37 C.F.R. § 1.22(b)

7. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge the following additional fees which may be required to Account No. 12-0415:

- ☒ 37 C.F.R. § 1.16 (filing fees and presentation of extra claims)
- ☒ 37 C.F.R. § 1.17 (application processing fees)
- ☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b)).

NOTE: 37 C.F.R. § 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application...prior to paying...issue fee."

8. Drawings

- ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this request is enclosed for filing in the prior application file. (May only be used if signed by (1) the applicant, (2) the assignee of record or (3) the attorney or agent of record authorized by 37 C.F.R. § 1.138 and before payment of issue fee.)

NOTE: ~~DO NOT~~ check this box if prior case is not to be abandoned.

- ☐ Transfer the following sheet(s) of drawings from the prior application to this application _____

NOTE: Transferring sheets must be cancelled in prior application 37 C.F.R. § 1.88

- ☒ Drawings are enclosed (see true copy of prior application USSN 10/395,991)

9. Priority - 35 U.S.C. 119

☒ Priority of application Serial No. 91116930 filed on 29 July 2002 in Taiwan, R.O.C. is claimed under 35 U.S.C. 119.

☒ The certified copy has been filed in U.S. Application No. 10/395,991 filed on March 24, 2003.

10. Relate Back - 35 U.S.C. 120

The Preliminary Amendment presents an amendment to the specification to relate this divisional application to its parent.

11. Assignment

☒ The prior application is assigned of record to (1) Nanya Technology Corporation.

☒ Attached is the following number of Assignments: 1 and respective **new** Cover Sheets. (Do **NOT** file old cover sheets.)

12. Power of Attorney

The Power of Attorney in the prior application is to:
Richard P. Berg, Reg. No. 28,145; Mavis S. Gallenson, Reg. No. 32,464; Kam C. Louie, Reg. No. 33,008; Ross A. Schmitt, Reg. No. 42,529; Victor Repkin, Reg. No. 45,039; John Palmer, Reg. No. 36,885; Peter D. Galloway, Reg. No. 27,885; and William R. Evans, Reg. No. 25,858.

- a. ☒ The power appears in the original papers in the prior application
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ A copy of the executed Supplemental Declaration/Power is enclosed herewith.
- d. ☒ Address all future communications to:

Richard P. Berg
c/o LADAS & PARRY
5670 Wilshire Boulevard, Suite 2100
Los Angeles, California 90036-5679


- e. ☐ An Associate Power of Attorney has been executed and is attached.

(May only be completed by applicant, or attorney or agent of record).

13. Maintenance of Copendency of Prior Application

- ☐ A petition, fee and response has been filed to extend the term in the pending prior application _____ until _____.

January 23, 2004
Date



Signature
Richard P. Berg
Registration No. 28,145

Address of Signatory.

c/o LADAS & PARRY
5670 Wilshire Boulevard
Suite 2100
Los Angeles, Ca 90036-5679
Telephone No. (323) 934-2300
Telefax No. (323) 934-0202

- ☐ Inventor(s)
- ☐ Assignee of complete interest
- ☒ Attorney or agent of record
- ☐ Filed under Rule 34(a)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REGARDING THE U.S. PATENT APPLICATION OF: (1) Ying-Cheng CHUANG (2) Chung-Lin HUANG and (3) Chi-Hui LIN

ENTITLED: "FLOATING GATE AND FABRICATING METHOD THEREOF"

New U.S. Divisional patent application based on USSN 10/395,991

Our Ref: B-5017DIV 621541-7

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

"Express Mail" label number EV301025695US

Date of Deposit: January 23, 2004

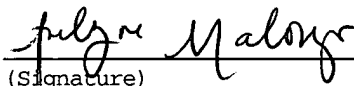
I hereby certify that the following attached papers or fee:

- postcard
- check for \$770.00 to cover official filing fee
- Transmittal letter with Certification under 37 CFR 1.10 (4 pages)
- Preliminary amendment (5 pages)
- True copy of parent application U.S. Patent Appln. No. 10/395,991 consisting of: 8 pages of specification, 4 pages of claims, 1 page of abstract, the oath or declaration (4 pages), and 4 sheets of drawings (Figs. 1A-1C, and 2A-2H)
- Claim to Priority (1 page)
- Assignment document (1 page) with Cover Sheet (1 page), and check for \$40.00 to cover Assignment recordal fee

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Avelyne Malonzo

(Typed or printed name of person mailing paper or fee)



(Signature)